

REMARKS

The office action of May 28, 2003, has been carefully considered.

It is noted that claims 1-3 are rejected under 35 U.S.C. 102(b) over the patent to Schutz.

Claim 4 is rejected under 35 U.S.C. 103(a) over Schutz in view of the patent to Maurice.

Applicant has not amended the claims in view of the Examiner's rejections. The only amendment is to correct a typographical error in claim 1.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Schutz, it can be seen that this patent discloses a pallet

container. Applicant disagrees with the Examiner's position that Schutz discloses the claimed invention. To facilitate the differences between the present invention and Schutz, applicant has enclosed herewith copies of Figs. 1 and 4 of Schutz. From these drawings it can be seen that the floor pan 5 of the pallet 4 has a front wall 23 with an inwardly curved portion 24, two sidewalls 23a, 23b, and a back wall 23c. The bottom 12 of the floor pan 5 is connected to the perpendicular walls 23, 23a, 23b and 23c of the floor pan 5 by outwardly curved sections 78, 79, 80 and 81. The floor pan 5 holds the inner container 2 that sits with its drainage bottom 6 on the drainage bottom 12 of the floor pan 5. The inner container 2 has curved regions 82, 83, 84 and 85 in the front wall 9, the back wall 8 and both sidewalls 86, 87 that match the curved regions 78-81 of the floor pan 5.

Fig. 4 of Schutz shows that the bottom 12 of the floor pan 5 does not have ascending forward bottom portions to the front wall 23 and the connected corner regions 88, 89 or to the connected corner and sidewall regions 88, 89, on both sides of the curved portion 24, as in the presently claimed invention.

Additionally, the bottom 6 of the inner container 2 that rests

on the bottom 12 of the floor pan 5 does not have, on both sides of the curved area 19, drainage surfaces for draining residual liquid from a forward bottom area of the inner container via the bottom sump into the outlet socket when emptying the transport and storage container for removing residual liquid, as in the presently claimed invention.

Schutz does not disclose such bottom sections of the plastic inner container, which are formed to provide a drainage function when draining residual liquid from the container.

The large radius transitions between the walls and the bottom of the plastic inner container of Schutz are necessary to permit the plastic container to be formed by blow molding. The transitions between the front wall and the corner regions to the bottom of the inner container cannot provide any drainage function as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

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The patent to Maurice discloses foamed plastic cushioning materials. The Examiner combined the teachings of this reference with Schutz in determining that claim 4 would be unpatentable over such a combination. Applicant respectfully submits that Maurice adds nothing to the teachings of Schutz which would lead on skilled in the art to arrive at the invention as discussed above.

In view of these considerations it is respectfully submitted that the rejection of claim 4 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on September 29, 2003.

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